

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CURTIS M. JOHN-CHARLES,

Petitioner,

No. CIV S-05-0175 MCE GGH P

vs.

STATE OF CALIFORNIA, et al.,

Respondents.

ORDER

On June 30, 2005, the court ordered petitioner to file further briefing within thirty days addressing why he failed to exhaust all of his claims in state court before filing this action. As noted in that order, in Rhines v. Weber, \_\_\_ U.S. \_\_\_, 125 S.Ct. 1528 (2005) the Supreme Court recently held that a habeas petition may only be stayed if the petitioner can show good cause for his failure to exhaust his claims in state court,

On July 8, 2005, petitioner filed a response to the June 30, 2005, order. Petitioner states that he wants this action administratively stayed. Petitioner does not address why he did not exhaust all of his claims in state court before filing this action. Unless petitioner shows good cause for his failure to exhaust all of his claims, the court cannot stay this action and this action will have to proceed on the exhausted claims only. The court will grant petitioner one final opportunity to address this issue.

DATED: 8/5/05

GREGORY G. HOLLOWS  
UNITED STATES MAGISTRATE JUDGE

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